

SOUTH CAROLINA LABOR, LICENSING & REGULATIONS

BOARD OF FUNERAL SERVICE

APRIL 18, 2012

This meeting, held by telephone on April 18, 2012, was reported by Betty M. Washington, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said Meeting being held pursuant to notice and in accordance with LLR regulations, at the Kingstree Building, 110 Centerview Drive, Synergy Business Center, commencing at the hour of 4:00 p.m and concluding at 4:45 p.m.

1 APPEARANCES:

2 BOARD MEMBERS:

3 (PRESENT BY TELEPHONE)

4 BRAD EVANS

JEFFREY TEMPLE

5 WILLIAM HORTON

KENNETH BEASLEY

6 JOHN PETTY

MICHELLE COOPER

7
8 (PRESENT IN PERSON)

9 ADMINISTRATOR:

DORIS CUBITT

10 OFFICE OF GENERAL COUNSEL:

11 DEAN GRIGG, ESQUIRE, Advice Counsel FOR LLR

JAMES SAXON, ESQUIRE, Advice Counsel for LLR

12 SARA MCCARTHA, ESQUIRE, Advice Counsel for LLR

13 LLR STAFF PRESENT: JEANIE ROSE; AMY HOLLEMAN; WENDI
14 ELROD, PROGRAM ASSISTANT.

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14 Court Reporter's Note:
15 --Indicates interruption; incomplete phrases; trailing
16 off; unfinished sentences.
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P R O C E E D I N G

MS. COOPER: The meeting is hereby called to order. Public notice of this meeting was properly posted at the South Carolina Board of Funeral Service office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations and news media in compliance with Section 30-4-80, of the South Carolina Freedom of Information Act.

So now I guess we can go -- everybody needs to introduce themselves. What kind of order do y'all want to do it? Roll call or telephone?

MR. COOPER: How about do a roll call?

MR. ????: That would be good.

MS. CUBITT: All right. I'll call out the names, and then y'all identify yourselves. Okay?

Brad Evans.

MR. EVANS: That's me; I'm here. Brad Evans.

MS. CUBITT: Jeff Temples?

MR. TEMPLE: Jeff Temples, Columbia, South Carolina.

1 MS. CUBITT: Billy Horton.
2 MR. HORTON: Billy Horton's here.
3 MS. CUBITT: Ken Beasley.
4 MR. BEASLEY: Ken Beasley's present.
5 MS. CUBITT: John Petty.
6 MR. PETTY: John Petty here.
7 MS. CUBITT: Shelley Cooper from Moncks
8 Corner, South Carolina.
9 MR. COOPER: Shelley Cooper, Moncks
10 Corner, South Carolina.
11 MS. CUBITT: Okay.
12 MR. SAXON: Can we ask that before each of
13 you speak, you identify yourself for the
14 Court Reporter, please.
15 MR. ???: Who's speaking?
16 MR. SAXON: This is Jamie.
17 MR. ???: Who's Jamie?
18 MR. SAXON: Jamie Saxon.
19 MR. ???: Are you the legal eagle?
20 MR. SAXON: Well, I'm one of three here
21 today.
22 MR. ???: Oh, wow.
23 MS. CUBITT: We'll start with Jamie and
24 let them introduce so you'll know everybody
25 that's in the room.

1 MR. SAXON: I'm Jamie Saxon, Advice
2 Counsel.

3 MR. GRIGG: Dean Grigg, Advice Counsel.

4 MS. MCCARTHA: Sara McCartha, Advice
5 Counsel.

6 MS. HOLLEMAN: Amy Holleman.

7 MS. CUBITT: The Court Reporter.

8 MS. ROSE: Jeanie Rose, LLR.

9 MS. ELROD: Wendi Elrod, LLR.

10 MS. CUBITT: Doris Cubitt, LLR.

11 MS. HOLLEMAN: I forgot to say LLR.

12 MS. CUBITT: Okay. So that's -- and our
13 excused absences, Eddie had let us know and
14 Tommy Baker had let us know, and then we're
15 not certain about Mr. McKnight and Mr.
16 O'Steen.

17 MS. ????: Don't we need a motion and
18 stuff?

19 MS. CUBITT: We need a motion for the
20 approved absences or excused absences.

21 MR. SAXON: Yes.

22 MS. COOPER: Do I have a motion to excuse
23 the Board member absences?

24 MR. PETTY: I so move.

25 MR. HORTON: Billy Horton. Second it.

1 MS. COOPER: All those in favor?

2 (Ayes in response.)

3 MS. COOPER: Okay. Moving it along, our
4 issue of business here today is funeral fees.

5 MR. GRIGG: Shelley, I guess this -- this
6 is Dean Grigg, guys. I know I've met most of
7 y'all at some point. This is where I get to
8 be the messenger, so just keep that in mind.

9 As you know, for the last several
10 months Doris and Sara, who's also in here,
11 and myself, have been spending a lot of time
12 down at the State House in front of the
13 Senate and the House LCI, trying to get all
14 these regs and what not pushed through, that
15 we've worked on in these last several months
16 since -- what, Jamie? -- we started this back
17 in September?

18 MR. SAXON: Yeah.

19 MR. GRIGG: Maybe even before that, last
20 year. Doris, do they have a copy of 4268?

21 MS. CUBITT: Yes. In the materials that
22 we sent out, we gave you a copy of the bill
23 that we filed; it's Document 4268, and at the
24 top Wendi put "Regulation Bill Fee Changes."

25 MR. GRIGG: All right. Thank you. So if

1 y'all will look at Document number 4268,
2 specifically turning -- I think it looks like
3 it's about three pages -- turning to Section
4 57-12, which is your fee section. Quite
5 honestly, this has caused a lot of problems
6 and a lot of headache on everybody's end, and
7 as of April 12, we received a letter from
8 Senator Ryberg's office asking us to withdraw
9 this document because of problems that they
10 perceive with our fee schedule. And Doris
11 can fill in what parts I screw up here, but
12 my understanding -- can all of y'all hear me
13 all right?

14 MS. COOPER: Yes, sir.

15 MR. GRIGG: Yes?

16 MS. COOPER: This is Shelley. Can I
17 interrupt you for a moment?

18 MR. GRIGG: Of course.

19 MS. COOPER: I would actually like to see
20 if we have a motion to go into executive
21 session in order to seek legal advice.

22 MR. HORTON: I so move. This is Billy
23 Horton.

24 MR. EVANS: Brad Evans seconds that.

25 MR. SAXON: All right. We have a motion

1 on the table.

2 MR. EVANS: Brad Evans, second it.

3 MR. SAXON: All right. We have a motion
4 and a second. Need a vote.

5 MS. COOPER: All those in favor?

6 (Ayes in response.)

7 MS. COOPER: Opposed?

8 (No response.)

9 MR. SAXON: All right.

10 MS. CUBITT: So we need the Court

11 Reporter and --

12 (Board goes into executive session at 4:12 p.m.)

13 (Board goes back into meeting at 4:45 p.m.)

14 MR. GRIGG: All right, y'all. I think -
15 - are we ready to go back on the record?

16 MR. SAXON: Is there a motion?

17 MS. COOPER: Are we back on?

18 MS. CUBITT: Uh-huh.

19 MS. COOPER: Do I have a motion to come
20 out of executive session and return to public
21 session?

22 MR. EVANS: Madam Chairman, this is Brad
23 Evans. I make a motion that we come out of
24 executive and return to public.

25 MS. COOPER: Do I have a second?

1 MR. TEMPLE: Madam Chairman, this is
2 Jeff Temples, and I second.

3 MS. COOPER: All those in favor?

4 (Ayes in response.)

5 MS. COOPER: Opposed?

6 (No response.)

7 MS. COOPER: Please let the record
8 reflect that no votes were actually taken
9 during executive session. Do we have a
10 motion? Mr. --

11 MR. GRIGG: Grigg.

12 MS. COOPER: You have to continue with
13 some information we need; is that correct?

14 MR. GRIGG: Yes, ma'am, I'll be glad to.
15 Just -- I'm sorry; did I interrupt you?

16 MS. COOPER: No. No, sir, you did not.

17 MR. GRIGG: Okay. Just real briefly,
18 and I'll try to pick up where I left off. On
19 April 12 of 2012, we received a letter from
20 Senator Ryberg's office, and I'll just --
21 it's two sentences. It says: "Please accept
22 this as a request of the LCI Committee to
23 withdraw document 4268 concerning the Board
24 of Funeral Service. The Committee requests
25 that fees and fines not increase."

1 And so document number 4268 is the
2 document that they're asking you to withdraw
3 the proposed fee changes that we made, and to
4 re-introduce them, reflecting the biennial
5 fee schedule, the correct biennial fee
6 schedule. So that's what you're being asked
7 to do here today.

8 MS. COOPER: All right. So now what you
9 would like is a motion, and then a vote,
10 based on this letter?

11 MR. GRIGG: Yes, ma'am. I need to know
12 the pleasure of the Board as to what you want
13 me to do.

14 MR. HORTON: Madam President --

15 MS. COOPER: Do I have a motion?

16 MR. HORTON: Madam President -- this is
17 Billy Horton. I make a motion that we comply
18 with Senator Ryberg's letter, with the
19 necessary changes.

20 MR. SAXON: We have a motion; is there a
21 second?

22 MR. BEASLEY: This is Ken Beasley. I
23 make a motion.

24 MS. COOPER: All those in favor?

25 (Ayes in response.)

1 MS. COOPER: Opposed?

2 (No response.)

3 MR. GRIGG: Thank you very much. I'll
4 get that drafted.

5 MS. COOPER: Okay. Do we have a motion
6 for an adjournment?

7 MS. CUBITT: Just one second. Madam
8 Chairman, while we have everybody on the
9 phone, --

10 MS. COOPER: Yes, ma'am.

11 MS. CUBITT: -- can I have a count of
12 those that the 25th will work for, for a
13 meeting next week?

14 MR. ????: As far as I know, it works for
15 me.

16 MR. EVANS: It works for me. This is
17 Brad.

18 MS. COOPER: Me, too. This is Shelley.

19 MR. TEMPLES: Works for me. Jeff.

20 MR. PETTY: John Petty. Aye.

21 MR. BEASLEY: Ken Beasley. Works for me.

22 MS. CUBITT: Okay. That will be a
23 quorum, so I need all of y'all to show up,
24 and then I'll tell the others and hopefully
25 they can come to. But we'll plan on setting

1 this up for the 25th.

2 MS. COOPER: Okay. Anything else, Ms.
3 Cubitt? I didn't mean to --

4 MS. CUBITT: No, that's okay. That's
5 alMay 10, 2012 I have. Thank you, Madam
6 Chairman.

7 MS. COOPER: Okay. Do we have a motion
8 for adjournment?

9 MR. PETTY: I so move.

10 MS. COOPER: Okay. All those in favor?

11 (Ayes in response.)

12 MS. COOPER: Opposed?

13 (No response.)

14 MS. COOPER: Okay. See y'all next
15 Wednesday.

16 MS. CUBITT: Thank you.

17 (The meeting was adjourned at 4:50 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, Betty M. Washington, Verbatim Court Reporter and
3 Notary Public in and for the State of South Carolina at
4 Large, hereby certify that I reported the Board Meeting of
5 the South Carolina Funeral Board Service, held on the 18th
6 day of April, 2012; and that the foregoing pages constitute
7 a true and correct transcription of said Board Meeting, to
8 the best of my ability.

9 I further certify that I am neither attorney nor
10 counsel for, nor related to or employed by any of the
11 parties connected with this action, nor am I financially
12 interested in said cause.

13 I further certify that the original of said transcript
14 was thereafter sealed and delivered to: DORIS CUBITT,
15 Administrator, Kingstree Building, Centerview Drive,
16 Columbia, South Carolina 29210, who will retain this sealed
17 original transcript and shall be responsible for same.

18 In witness whereof, I have set my hand and seal this
19 10th day of April, 2012.

20 _____
21 BETTY M. WASHINGTON
22 MY COMMISSION EXPIRES 7/16/17.
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24
25